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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Report of the Chairman of the Working Group of the Third Committee

1. The Working Group of the Third Committee was established by the Committee at its 32nd meeting, on 12 November 1993 with the following mandate, as adopted by the Committee:

"To establish the open-ended working group of the Third Committee which will undertake as a matter of priority the consideration of the question of the establishment of a High Commissioner for Human Rights for the promotion and protection of all human rights, and will also consider other aspects of the implementation of the recommendations of the Vienna Declaration and Programme of Action as set out in paragraphs 17 and 18 of the said Declaration.

"The open-ended working group will be transparent, be supported with conference services, including interpretation and documentation, and work with a view to achieving consensus.

"Accordingly, the working group will start its deliberations by considering the question of the establishment of a High Commissioner for Human Rights with the view to completing this consideration by the end of the work of the Third Committee.

"Upon the completion of this issue, the working group will consider other aspects of the implementation of the recommendations of the Vienna Declaration and Programme of Action as set out in paragraphs 17 and 18 of Part II of the said Declaration.

"The Permanent Representative of Ecuador, Ambassador José Ayala Lasso, will be the Chairman of the working group."

2. The Working Group held meetings on 15, 18, 22, 24, 26 and 30 November 1993 and on 1, 2, 3, 7, 9, 10 and 11 December 1993.

3. Taking into account the discussions which took place at these meetings, the Chairman of the Working Group prepared the text of a draft resolution which formed the basis of the negotiations.

4. Following the conclusion of these negotiations, the Working Group adopted by consensus a draft resolution entitled "High Commissioner for the promotion and protection of all human rights", for consideration by the Third Committee.

5. Some delegations expressed the view that, with regard to operative paragraph 7 of the draft resolution, the adoption of the draft resolution would be without prejudice to the decisions that the Fifth Committee may take on the allocation of resources. This view was supported by the Working Group.

6. The text of the draft resolution is reproduced below:

High Commissioner for the promotion and protection of all human rights

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations,

Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to promote and encourage respect for all human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Emphasizing the need to observe the Universal Declaration of Human Rights 1/ and for the full implementation of the human rights instruments, including the International Covenant on Civil and Political Rights, 2/ the International Covenant on Economic, Social and Cultural Rights, 2/ as well as the Declaration on the Right to Development, 3/

Considering that the promotion and the protection of all human rights is one of the priorities of the international community,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 41/218, annex.

Recalling that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in promoting and encouraging respect for human rights,

Reaffirming the commitment contained in Article 56 of the Charter of the United Nations to take joint and separate action in cooperation with the United Nations for the achievement of the purposes set forth in Article 55 of the United Nations Charter,

Emphasizing the need for the promotion and protection of all human rights to be guided by the principles of impartiality, objectivity and non-selectivity, in the spirit of constructive international dialogue and cooperation,

Aware that all human rights are universal, indivisible, interdependent and interrelated and that as such they should be given the same emphasis,

Reaffirming its commitment to the Vienna Declaration and programme of Action, 4/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,

Convinced that the World Conference on Human Rights made an important contribution to the cause of human rights and that its recommendations should be implemented through effective action by all States, the competent organs of the United Nations and the specialized agencies, in cooperation with non-governmental organizations,

Acknowledging the importance of strengthening the provision of advisory services and technical assistance by the Centre for Human Rights and other relevant programmes and bodies of the United Nations system for the purpose of the promotion and protection of all human rights,

Determined to adapt, strengthen, and streamline the existing mechanisms to promote and protect all human rights and fundamental freedoms while avoiding unnecessary duplication,

Recognizing that the activities of the United Nations in the field of human rights should be rationalized and enhanced in order to strengthen the United Nations machinery in this field and to further the objectives of universal respect for observance of international human rights standards,

Reaffirming that the General Assembly, the Economic and Social Council and the Commission on Human Rights are the responsible organs for decision- and policy-making for the promotion and protection of all human rights,

Reaffirming the necessity for a continued adaptation of the United Nations human rights machinery to the current and future needs in the promotion and

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4/ A/CONF.157/24 (Part I), sect. III.

protection of human rights and the need to improve their coordination, efficiency and effectiveness, as reflected in the Vienna Declaration and Programme of Action and within the framework of a balanced and sustainable development for all people,

Having considered the recommendation contained in paragraph 18 of part II of the Vienna Declaration and Programme of Action,

1. Decides to create the post of the High Commissioner for Human Rights;

2. Decides that the High Commissioner for Human Rights shall:

(a) Be a person of high moral standing and personal integrity and shall possess expertise, including in the field of human rights, and the general knowledge and understanding of diverse cultures necessary for impartial, objective, non-selective and effective performance of the duties of the High Commissioner;

(b) Be appointed by the Secretary-General of the United Nations and approved by the General Assembly, with due regard to geographical rotation, and have a fixed term of four years with a possibility of one renewal for another fixed term of four years;

(c) Be of the rank of Under-Secretary-General;

3. Decides that the High Commissioner for Human Rights shall:

(a) Function within the framework of the United Nations Charter, the Universal Declaration of Human Rights, 2/ other international instruments of human rights and international law, including the obligations, within this framework, to respect the sovereignty, territorial integrity and domestic jurisdiction of States and to promote the universal respect for and observance of all human rights, in the recognition that, in the framework of the purposes and principles of the United Nations Charter, the promotion and protection of all human rights is a legitimate concern of the international community;

(b) Be guided by the recognition that all human rights - civil, cultural, economic, political and social - are universal, indivisible, interdependent and interrelated and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms;

(c) Recognize the importance of promoting a balanced and sustainable development for all people and of ensuring realization of the right to development, as established in the Declaration on the Right to Development; 3/

4. Decides that the High Commissioner for Human Rights will be the United Nations official with principal responsibility for United Nations human rights activities under the direction and authority of the Secretary-General. Within the framework of the overall competence, authority and decisions of the General

Assembly, the Economic and Social Council and the Commission on Human Rights, the High Commissioner's responsibilities shall be:

(a) Promoting and protecting the effective enjoyment by all of all civil, cultural, economic, political and social rights;

(b) Carrying out the tasks assigned to him/her by the competent bodies of the United Nations system in the field of human rights and making recommendations to them with a view to improving the promotion and protection of all human rights;

(c) Promoting and protecting the realization of the right to development and enhancing support from relevant bodies of the United Nations system for this purpose;

(d) Providing, through the Centre for Human Rights and other appropriate institutions, advisory services and technical and financial assistance, at the request of the State concerned and, where appropriate, the regional human rights organizations, with a view to supporting actions and programmes in the field of human rights;

(e) Coordinating relevant United Nations education and public information programmes in the field of human rights;

(f) Playing an active role in removing the current obstacles and in meeting the challenges to the full realization of all human rights and in preventing the continuation of human rights violations throughout the world, as reflected in the Vienna Declaration and Programme of Action;

(g) Engaging in a dialogue with all Governments in the implementation of his/her mandate with a view to securing respect for all human rights;

(h) Enhancing international cooperation for the promotion and protection of all human rights;

(i) Coordination of the human rights promotion and protection activities throughout the United Nations system;

(j) Rationalization, adaptation, strengthening and streamlining of the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness;

(k) Overall supervision of the Centre for Human Rights;

5. Requests the High Commissioner for Human Rights to report annually on his/her activities, in accordance with his/her mandate, to the Commission on Human Rights and, through the Economic and Social Council, to the General Assembly;

6. Decides that the Office of the High Commissioner for Human Rights shall be located in Geneva and shall have a liaison office in New York;

7. Requests the Secretary-General to provide appropriate staff and resources from within the existing and future regular budgets of the United Nations, to enable the High Commissioner to fulfil his/her mandate, without diverting resources from the development programmes and activities of the United Nations;

8. Requests the Secretary-General to report to the General Assembly at its forty-ninth session on the implementation of the present resolution.

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